

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

---

**MARIO ALBERTO NICARAUGUA PEREZ,**

**Petitioner,**

**v.**

**Case No. 18-CV-86**

**ATTORNEY GENERAL et al.,**

**Respondent.**

---

**REPORT AND RECOMMENDATION**

---

On November 2, 2017, Mario Perez, an alien-detainee, filed a petition for habeas corpus pursuant to 28 U.S.C. § 2241. (Docket # 1.) On January 17, 2018, the Clerk's Office mailed a magistrate judge consent/refusal form to Perez at the Kenosha County Detention Center where he was detained. That letter was returned to the Clerk's Office as "undeliverable-Not in Custody." Subsequently, staff from the Immigration Customs Enforcement-Chicago informed the Clerk's Office that Perez has been deported. Accordingly, I recommend that Perez's habeas petition be dismissed without prejudice.

**IT IS THEREFORE RECOMMENDED** that Perez's petition (Docket # 1) be **DISMISSED**;

Your attention is directed to General L.R. 72(c), 28 U.S.C. § 636(b)(1)(B) and Federal Rules of Criminal Procedure 59(b), or Federal Rules of Civil Procedure 72(b) if applicable, whereby written objections to any recommendation or order herein, or part thereof, may be filed within fourteen days of the date of service of this recommendation or order. Objections are to be filed in accordance with the Eastern District of Wisconsin's

electronic case filing procedures. Courtesy paper copies of any objections shall be sent directly to the chambers of the district judge assigned to the case. Failure to file a timely objection with the district court shall result in a waiver of a party's right to appeal. If no response or reply will be filed, please notify the Court in writing.

Dated at Milwaukee, Wisconsin this 18<sup>th</sup> day of September, 2018.

BY THE COURT

*s/Nancy Joseph*  
NANCY JOSEPH  
United States Magistrate Judge